

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALONZO KEMP,)	
)	Civil Action No. 12 – 99
Petitioner,)	
)	District Judge Mark R. Hornak
v.)	Chief Magistrate Judge Lisa Pupo Lenihan
)	
BRIAN THOMPSON,)	
)	
Respondent.)	

MEMORADUM ORDER

Alonzo Kemp (“Petitioner”) initiated this action on January 30, 2012, by filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This case was referred to Chief Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

Magistrate Judge Lenihan filed a Report and Recommendation on October 5, 2012, recommending that the habeas petition be dismissed without prejudice as premature and that a certificate of appealability be denied. The parties were served with the Report and Recommendation and informed that they had until October 22, 2012, to file written objections. No objections were filed and the time to do so has expired.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered.

AND NOW, this 5TH day of November, 2012;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus (ECF No. 4) is **DISMISSED WITHOUT PREJUDICE**.

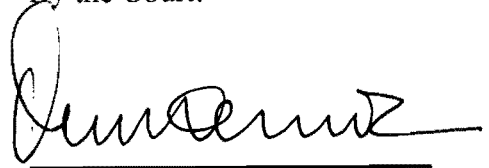
IT IS FURTHER ORDERED that a Certificate of Appealability is **DENIED**.

IT IS FURTHERED ORDERED that the Report and Recommendation (ECF No. 14) dated October 5, 2012, is adopted as the opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of the Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

A handwritten signature in black ink, appearing to read 'Mark R. Hornak', written over a horizontal line.

Mark R. Hornak
United States District Judge

cc: Alonzo Kemp
FW-5125
SCI Mercer
801 Butler Pike
Mercer, PA 16137
Via U.S. Postal Mail

Counsel of Record
Via ECF Electronic Mail